

SENATE, No. 2939

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 13, 2011

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Revises penalties for animal cruelty, increasing degree of certain offenses; designated as Patrick's Law.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning animal cruelty and designated as “Patrick’s
2 Law,” and amending R.S.4:22-17 and R.S.4:22-26.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.4:22-17 is amended to read as follows:

8 4:22-17. a. A person who shall:

9 (1) Overdrive, overload, drive when overloaded, or overwork
10 **[,]** **[deprive of necessary sustenance, abuse, or needlessly kill]** a
11 living animal or creature;

12 (2) Cause or procure, by any direct or indirect means, including
13 but not limited to through the use of another living animal or
14 creature, any such acts to be done; or

15 (3) Inflict unnecessary cruelty upon a living animal or creature,
16 by any direct or indirect means, including but not limited to through
17 the use of another living animal or creature; or unnecessarily fail to
18 provide a living animal or creature of which the person has charge
19 either as an owner or otherwise with proper food, drink, shelter or
20 protection from the weather; or leave it unattended in a vehicle
21 under inhumane conditions adverse to the health or welfare of the
22 living animal or creature--

23 Shall be guilty of a disorderly persons offense **[, and**
24 **notwithstanding]** . Notwithstanding the provisions of N.J.S.2C:43-
25 3 to the contrary, for every **[such]** conviction of an offense
26 pursuant to paragraph (1) or (2) of this subsection, the person shall
27 be fined not less than \$250 nor more than \$1,000, or be imprisoned
28 for a term of not more than six months, or both, in the discretion of
29 the court; and for every conviction of an offense pursuant to
30 paragraph (3) of this subsection, the person shall be fined not less
31 than \$500 nor more than \$2,000, or be imprisoned for a term of not
32 more than six months, or both, in the discretion of the court.

33 If an animal is needlessly killed or dies as a result of a violation
34 of this subsection, or the person has a prior conviction for a
35 violation of this subsection, the person shall be guilty of a crime of
36 the fourth degree.

37 A violator of this subsection shall also be subject to the
38 provisions of subsection c. and, if appropriate, subsection d. of this
39 section.

40 b. A person who shall purposely, knowingly, or recklessly:

41 (1) Torment, torture, maim, hang, poison, unnecessarily or
42 cruelly beat, **[or]** needlessly mutilate, deprive of necessary
43 sustenance, or abuse a living animal or creature; or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (2) Cause or procure, by any direct or indirect means, including
2 but not limited to through the use of another living animal or
3 creature, any such acts to be done --

4 Shall be guilty of a crime of the fourth degree.

5 If the animal or creature is cruelly killed or dies as a result of a
6 violation of this subsection, or the person has a prior conviction for
7 a violation of this subsection, the person shall be guilty of a crime
8 of the third degree.

9 A violator of this subsection shall also be subject to the
10 provisions of subsection c. and, if appropriate, subsection d. of this
11 section.

12 c. For a violation of subsection a. or b. of this section, in
13 addition to imposing any other appropriate penalties established for
14 a crime of the third degree, crime of the fourth degree, or
15 disorderly persons offense, as the case may be, pursuant to Title 2C
16 of the New Jersey Statutes, the court shall impose a term of
17 community service of up to 30 days, and may direct that the term of
18 community service be served in providing assistance to the New
19 Jersey Society for the Prevention of Cruelty to Animals, a district
20 (county) society for the prevention of cruelty to animals, or any
21 other recognized organization concerned with the prevention of
22 cruelty to animals or the humane treatment and care of animals, or
23 to a municipality's animal control or animal population control
24 program. The court also **[may]** shall require the violator to pay
25 restitution , including but not limited to, the monetary cost of
26 replacing the animal if it died or had to be euthanized because of
27 the extent of its injuries, or otherwise reimburse any costs for food,
28 drink, shelter, or veterinary care or treatment, or other costs,
29 incurred by the owner of the animal, if the owner is not the person
30 committing the act of cruelty, or incurred by any agency, entity, or
31 organization investigating the violation, including but not limited to
32 the New Jersey Society for the Prevention of Cruelty to Animals, a
33 district (county) society for the prevention of cruelty to animals,
34 any other recognized organization concerned with the prevention of
35 cruelty to animals or the humane treatment and care of animals,
36 **[or]** a local or State governmental entity , or a kennel, shelter,
37 pound, or other facility providing for the shelter and care of the
38 animal or animals involved in the violation.

39 d. If a juvenile is adjudicated delinquent for an act which, if
40 committed by an adult, would constitute a disorderly persons
41 offense pursuant to subsection a. of this section or a crime of the
42 third degree or crime of the fourth degree pursuant to subsection b.
43 of this section, the court also shall order the juvenile to receive
44 mental health counseling by a licensed psychologist or therapist
45 named by the court for a period of time to be prescribed by the
46 licensed psychologist or therapist.

47 (cf: P.L.2005, c.105, s.1)

1 2. R.S.4:22-26 is amended to read as follows:

2 4:22-26. A person who shall:

3 a. (1) Overdrive, overload, drive when overloaded, or
4 overwork **】, deprive of necessary sustenance, abuse, or needlessly**
5 kill**】** a living animal or creature, or cause or procure, by any direct
6 or indirect means, including but not limited to through the use of
7 another living animal or creature, any such acts to be done;

8 (2) Torment, torture, maim, hang, poison, unnecessarily or
9 cruelly beat, or needlessly mutilate , deprive of necessary
10 sustenance, or abuse a living animal or creature, or cause or
11 procure, by any direct or indirect means, including but not limited
12 to through the use of another living animal or creature, any such
13 acts to be done;

14 (3) Cruelly kill, or cause or procure, by any direct or indirect
15 means, including but not limited to through the use of another living
16 animal or creature, the cruel killing of, a living animal or creature,
17 or otherwise cause or procure, by any direct or indirect means,
18 including but not limited to through the use of another living animal
19 or creature, the death of a living animal or creature from
20 commission of any act described in paragraph (2) of this subsection;

21 (4) Needlessly kill a living animal or creature, or cause or
22 procure, by any direct or indirect means, including but not limited
23 to through the use of another living animal or creature, the death of
24 a living animal or creature as a result of the commission of any act
25 described in paragraph (1) of this subsection or subsection c. of this
26 section;

27 b. (Deleted by amendment, P.L.2003, c.232).

28 c. Inflict unnecessary cruelty upon a living animal or creature,
29 by any direct or indirect means, including but not limited to through
30 the use of another living animal or creature; or unnecessarily fail to
31 provide a living animal or creature of which the person has charge
32 either as an owner or otherwise with proper food, drink, shelter or
33 protection from the weather; or leave it unattended in a vehicle
34 under inhumane conditions adverse to the health or welfare of the
35 living animal or creature;

36 d. Receive or offer for sale a horse that is suffering from abuse
37 or neglect, or which by reason of disability, disease, abuse or
38 lameness, or any other cause, could not be worked, ridden or
39 otherwise used for show, exhibition or recreational purposes, or
40 kept as a domestic pet without violating the provisions of this
41 article;

42 e. Keep, use, be connected with or interested in the
43 management of, or receive money or other consideration for the
44 admission of a person to, a place kept or used for the purpose of
45 fighting or baiting a living animal or creature;

46 f. Be present and witness, pay admission to, encourage, aid or
47 assist in an activity enumerated in subsection e. of this section;

- 1 g. Permit or suffer a place owned or controlled by him to be
2 used as provided in subsection e. of this section;
- 3 h. Carry, or cause to be carried, a living animal or creature in
4 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 5 i. Use a dog or dogs for the purpose of drawing or helping to
6 draw a vehicle for business purposes;
- 7 j. Impound or confine or cause to be impounded or confined in
8 a pound or other place a living animal or creature, and shall fail to
9 supply it during such confinement with a sufficient quantity of good
10 and wholesome food and water;
- 11 k. Abandon a maimed, sick, infirm or disabled animal or
12 creature to die in a public place;
- 13 l. Willfully sell, or offer to sell, use, expose, or cause or permit
14 to be sold or offered for sale, used or exposed, a horse or other
15 animal having the disease known as glanders or farcy, or other
16 contagious or infectious disease dangerous to the health or life of
17 human beings or animals, or who shall, when any such disease is
18 beyond recovery, refuse, upon demand, to deprive the animal of
19 life;
- 20 m. Own, operate, manage or conduct a roadside stand or market
21 for the sale of merchandise along a public street or highway; or a
22 shopping mall, or a part of the premises thereof; and keep a living
23 animal or creature confined, or allowed to roam in an area whether
24 or not the area is enclosed, on these premises as an exhibit; except
25 that this subsection shall not be applicable to: a pet shop licensed
26 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
27 keeps an animal, in a humane manner, for the purpose of the
28 protection of the premises; or a recognized breeders' association, a
29 4-H club, an educational agricultural program, an equestrian team, a
30 humane society or other similar charitable or nonprofit organization
31 conducting an exhibition, show or performance;
- 32 n. Keep or exhibit a wild animal at a roadside stand or market
33 located along a public street or highway of this State; a gasoline
34 station; or a shopping mall, or a part of the premises thereof;
- 35 o. Sell, offer for sale, barter or give away or display live baby
36 chicks, ducklings or other fowl or rabbits, turtles or chameleons
37 which have been dyed or artificially colored or otherwise treated so
38 as to impart to them an artificial color;
- 39 p. Use any animal, reptile, or fowl for the purpose of soliciting
40 any alms, collections, contributions, subscriptions, donations, or
41 payment of money except in connection with exhibitions, shows or
42 performances conducted in a bona fide manner by recognized
43 breeders' associations, 4-H clubs or other similar bona fide
44 organizations;
- 45 q. Sell or offer for sale, barter, or give away living rabbits,
46 turtles, baby chicks, ducklings or other fowl under two months of
47 age, for use as household or domestic pets;

- 1 r. Sell, offer for sale, barter or give away living baby chicks,
2 ducklings or other fowl, or rabbits, turtles or chameleons under two
3 months of age for any purpose not prohibited by subsection q. of
4 this section and who shall fail to provide proper facilities for the
5 care of such animals;
- 6 s. Artificially mark sheep or cattle, or cause them to be
7 marked, by cropping or cutting off both ears, cropping or cutting
8 either ear more than one inch from the tip end thereof, or half
9 cropping or cutting both ears or either ear more than one inch from
10 the tip end thereof, or who shall have or keep in the person's
11 possession sheep or cattle, which the person claims to own, marked
12 contrary to this subsection unless they were bought in market or of
13 a stranger;
- 14 t. Abandon a domesticated animal;
- 15 u. For amusement or gain, cause, allow, or permit the fighting
16 or baiting of a living animal or creature;
- 17 v. Own, possess, keep, train, promote, purchase, or knowingly
18 sell a living animal or creature for the purpose of fighting or baiting
19 that animal or creature;
- 20 w. Gamble on the outcome of a fight involving a living animal
21 or creature;
- 22 x. Knowingly sell or barter or offer for sale or barter, at
23 wholesale or retail, the fur or hair of a domestic dog or cat or any
24 product made in whole or in part from the fur or hair of a domestic
25 dog or cat, unless such fur or hair for sale or barter is from a
26 commercial grooming establishment or a veterinary office or clinic
27 or is for use for scientific research;
- 28 y. Knowingly sell or barter or offer for sale or barter, at
29 wholesale or retail, for human consumption, the flesh of a domestic
30 dog or cat or any product made in whole or in part from the flesh of
31 a domestic dog or cat;
- 32 z. Surgically debark or silence a dog in violation of section 1
33 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 34 aa. Use a live pigeon, fowl or other bird for the purpose of a
35 target, or to be shot at either for amusement or as a test of skill in
36 marksmanship, except that this subsection and subsections bb. and
37 cc. shall not apply to the shooting of game;
- 38 bb. Shoot at a bird used as described in subsection aa. of this
39 section, or is a party to such shooting; or
- 40 cc. Lease a building, room, field or premises, or knowingly
41 permit the use thereof for the purposes of subsection aa. or bb. of
42 this section
- 43 Shall forfeit and pay a sum according to the following schedule,
44 to be sued for and recovered, with costs, in a civil action by any
45 person in the name of the New Jersey Society for the Prevention of
46 Cruelty to Animals or a county society for the prevention of cruelty
47 to animals, as appropriate, or, in the name of the municipality if

1 brought by a certified animal control officer or animal cruelty
2 investigator:

3 For a violation of subsection e., f., g., u., v., w., or z. of this
4 section or of paragraph (3) of subsection a. of this section, or for a
5 second or subsequent violation of paragraph (2) of subsection a. of
6 this section, a sum of not less than \$3,000 nor more than \$5,000;

7 For a violation of subsection l. of this section **[or]** for a first
8 violation of paragraph (2) of subsection a. of this section, or for a
9 violation of paragraph (4) of subsection a. of this section, a sum of
10 not less than \$1,000 nor more than \$3,000;

11 For a violation of subsection c. of this section, a sum of not less
12 than \$500 nor more than \$2,000;

13 For a violation of subsection x. or y. of this section, a sum of not
14 less than \$500 nor more than \$1,000 for each domestic dog or cat
15 fur or fur or hair product or domestic dog or cat carcass or meat
16 product;

17 For a violation of subsection t. of this section, a sum of not less
18 than \$500 nor more than \$1,000, but if the violation occurs on or
19 near a highway, a mandatory sum of \$1,000;

20 For a violation of subsection **[c.,]** d., h., j., k., aa., bb., or cc. of
21 this section or of paragraph (1) of subsection a. of this section, a
22 sum of not less than \$250 nor more than \$1,000; and

23 For a violation of subsection i., m., n., o., p., q., r., or s. of this
24 section, a sum of not less than \$250 nor more than \$500.
25 (cf: P.L.2005, c.372, s.16)

26

27 3. This act shall take effect immediately.

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29

30

STATEMENT

31

32 This bill, designated as “Patrick’s Law,” increases to crimes of
33 the fourth degree, the offenses of depriving an animal of necessary
34 sustenance, or abusing an animal, and it increases the grade of these
35 offenses to crimes of the third degree if the animal dies as a result
36 of these acts. The civil penalty for these offenses would also be
37 increased under the bill to a fine of \$1,000 to \$3,000 for a first
38 offense, and \$3,000 to \$5,000 for a second or subsequent offense.

39 The bill would additionally increase the criminal and civil
40 penalties for the following offenses: 1) inflicting unnecessary
41 cruelty upon a living animal or creature, by any direct or indirect
42 means, including but not limited to through the use of another living
43 animal or creature; 2) unnecessarily failing to provide a living
44 animal or creature of which the person has charge either as an
45 owner or otherwise with proper food, drink, shelter or protection
46 from the weather; or 3) leaving it unattended in a vehicle under
47 inhumane conditions adverse to the health or welfare of the living
48 animal or creature. The criminal penalty would be increased to a

1 fine of not less than \$500 nor more than \$2,000, or imprisonment
2 for a term of not more than six months, or both, at the discretion of
3 the court. If an animal is needlessly killed or dies as a result of one
4 of these violations, or the person has a prior conviction for a
5 violation of this provision, the person would be guilty of a crime of
6 the fourth degree. The civil penalty recoverable under R.S.4:22-26
7 would be increased to a fine of \$500 to \$2,000.

8 Furthermore, the bill requires that court-ordered restitution
9 include the monetary cost of replacing the animal if it died or had to
10 be euthanized because of the extent of its injuries, in addition to
11 reimbursement of any costs for food, drink, shelter, or veterinary
12 care or treatment, or other costs. The bill clarifies that the
13 reimbursement would be for costs incurred by the owner of the
14 animal, if the owner is not the person committing the act of cruelty.

15 This bill is being introduced in response to the treatment of
16 Patrick, a pit bull in Newark, which after being starved to an
17 extremely emaciated condition, was placed in a garbage bag, and
18 dropped down a garbage chute in an apartment complex in that city.
19 The dog is now being cared for and recuperating after a
20 maintenance person in the building collecting garbage noticed
21 movement in one of the garbage bags and found the dog still alive
22 inside.